

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2004-117

March 23, 2004

MAINE PUBLIC UTILITIES COMMISSION
Investigation into the Administration and
Structure of Commercial and Industrial and
Small Business Programs

ORDER APPROVING
CHANGES TO THE
ADMINISTRATION AND
STRUCTURE OF COMMERCIAL
AND INDUSTRIAL AND SMALL
BUSINESS PROGRAMS

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

I. SUMMARY

In this Order, we decide to consolidate the Efficiency Maine Commercial and Industrial Programs, the Small Business Program, the Agricultural Program, and the Existing Schools Program, along with the addition of a County and Local Government Program into one Efficiency Maine Business Program. As a result, we will issue one Request for Proposal (RFP) for the administration of the Efficiency Maine Business Program which will have a general Commercial and Industrial Offering, Small Business Offering, Agricultural Offering, Existing Schools Offering and a County and Local Government Offering as well as any other specific business offerings such as one for Pine Tree Zones, as we find appropriate.

II. BACKGROUND

Pursuant to the 35-A M.R.S.A. 3211-A, the Commission develops and implements electric conservation programs. The Commission implemented various interim programs during 2002-2003 under the name of Efficiency Maine. We approved the interim program plan and individual programs in Docket 2002-161.

On February 18, 2004, we issued Notice of Investigation into the Administration and Structure of Commercial and Industrial and Small Business Programs. The Notice described the proposed change to the implementation structure of the programs offered by Efficiency Maine to the business community. The current structure has separate programs and implementation contractors for each of the individual programs. The proposed structure would combine the various business programs offered by Efficiency Maine into one business program with multiple offerings. A single RFP would be issued for the implementation of the one business program. This structure would streamline the process for all persons involved in requesting information and incentives from Efficiency Maine Business Program. Also, the overall program would benefit by maximizing on the synergies between the various offerings.

Comments on the Notice of Investigation were received from only two interested parties, EnVINTA Corporation and LK Goldfarb and Associates ("LKG"). EnVINTA and

LKG both supported the proposed Efficiency Maine Business Program structure for the general reasons outlined in the Notice. EnVINTA suggested further the final program should not be restricted to “technical fixes” only.

We agree with EnVINTA that many factors besides simple technical fixes, which are those actions of installing energy efficient equipment, drive the way in which consumers use energy. We intend to address some of these other factors through our education and outreach programs.

III. DECISION

As proposed in the Notice, we direct our staff to consolidate all programs directed at commercial enterprises and existing schools, along with those that would deal with county and municipal government, into a single business program. The Staff will follow guidelines in Chapter 381 to competitively select an implementation contractor. We direct the Staff to develop the program in such a way that additional new business components may easily be added to respond to Legislative directives or other unanticipated needs. Funding for the various program components will not change from the budget detailed in our “Maine Energy Efficiency Program Plan” issued October 20, 2003, in Docket No. 2002-162. The budget for any new Program component would come from the appropriate Small Business or Commercial and Industrial Program budget.

Dated at Augusta, Maine, this 23rd day of March 2004.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond
 Reishus

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.